

CHAPTER: 100

Agency Administration/Management

DEPARTMENT ORDER:

109 – Smoking and Tobacco Regulations

**OFFICE OF PRIMARY
RESPONSIBILITY:**

DD

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Arizona Department of Corrections Rehabilitation and Reentry



Department Order Manual

A stylized, handwritten signature in black ink, appearing to be "D. Shinn".

David Shinn, Director

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PURPOSE

This Department Order establishes smoking and tobacco regulations which contribute to healthier and safer environments for inmate housing areas, for employee work environments and for members of the public visiting Department facilities.

APPLICABILITY

This Department Order applies to all employees, inmates, visitors, volunteers, contractors, **Program Associates**, and vendors, using cigarettes, electronic smoking devices, cigars, pipes and smokeless tobacco products in all Department institutions, offices, state vehicles, and rental/contract properties.

RESPONSIBILITY

The Deputy Directors, Assistant Directors, Regional Operations Directors, Wardens, Deputy Wardens and Administrators shall enforce all provisions of this Department Order.

PROCEDURES

1.0 GENERAL REGULATIONS - The Arizona Department of Health may enter into any public place or place of employment for the purpose of determining compliance with Arizona Revised Statute (A.R.S.) §36-601.01 if there is reason to believe a violation has occurred.

1.1 Regulations for Enclosed Areas, Buildings and Vehicles

1.1.1 Smoking/vaping is prohibited in enclosed areas and buildings.

1.1.1.1 "No smoking" signs, or the international "no smoking" symbol shall be conspicuously posted at every entrance and other areas where smoking is prohibited.

1.1.1.2 Information shall be posted for the general public, visitors, contractors, and **Program Associates** who wish to register complaints regarding non-compliance with this Department Order.

1.1.1.2.1 Retaliation or discrimination against any person who files a complaint concerning smoking/vaping related issues shall not be tolerated.

1.1.1.3 Any person who smokes/vapes where prohibited is guilty of a petty offense and is subject to imposition of a fine not less than \$50 and not more than \$300. A.R.S. §36-601.01 (K).

1.1.2 Smoking/vaping is prohibited 20 feet from any building entrance. Smoking/vaping outside is prohibited in any area which may subject normal traffic to second-hand smoke or may result in drifting smoke entering into buildings through entrances, windows, ventilation systems or other means.

1.1.3 Smoking/vaping is prohibited in all state vehicles, including domicile vehicles.

1.2 Electronic Smoking Devices

1.2.1 Employees, volunteers, contractors, **Program Associates**, and vendors are allowed to possess an electronic smoking device and accessories (**e.g.**, nicotine cartridges, electronic chargers, flavor tips, etc.) at their security posts or work stations.

1.2.1.1 Electronic smoking devices may be used on approved rest and lunch breaks and only in designated smoking/vaping areas, if so desired.

1.2.1.2 Electronic smoking devices are permitted at non-prison facilities and are subject to the same restrictions as tobacco cigarettes.

1.2.2 Visitors are allowed to possess electronic smoking devices; however, related accessories are prohibited. (See Department Order #911, Inmate Visitation.)

1.2.2.1 Electronic smoking devices may be used only in designated smoking areas.

1.2.3 Inmates are prohibited from possessing or using electronic smoking devices and related accessories, including but not limited to; e-cigarettes, e-cigars, or e-pipes.

1.3 Smokeless Tobacco - All used smokeless tobacco (i.e., chewing tobacco, plug tobacco and/or snuff) shall be collected in a covered non-clear container, empty soda bottle with a lid, or a cup with a lid, and disposed in a trash receptacle.

1.3.1 Employees, volunteers, contractors, **Program Associates**, and vendors are prohibited from using smokeless tobacco while attending meetings, training and group events.

1.4 Smoking cessation information shall be made available to employees and inmates.

2.0 REGULATIONS FOR EMPLOYEES

2.1 Institutions and Central Office locations shall identify **the designated** smoking **and** vaping areas for employees which do not conflict with section 1.0, 1.1.2.

2.2 Employees shall not leave their assigned post to smoke/**vape**, unless they are **properly** relieved of their **duties and responsibilities**.

2.2.1 Post relief for **smoke breaks** is not **mandatory**. It shall **only** be **provided based on the availability of security staff to provide relief** and **if it is conducive to do so in accordance with the security needs of the institution**.

2.3 Employees shall attempt to resolve smoking/vaping related complaints informally through their chain of command.

2.3.1 Employees who work in private prison facilities shall use the grievance process of the respective facility.

2.4 Employees violating the provisions of this Department Order shall be subject to disciplinary action in accordance with Department Order #601, Administrative Investigations and Employee Discipline.

3.0 REGULATIONS FOR INMATES

- 3.1 Institutions shall identify smoking areas for inmates which do not conflict with section 1.0, 1.1.2. Inmates shall be advised of the permitted smoking areas.
- 3.2 Inmates assigned to general population cellblocks and dormitories may possess smoking-related materials, but shall smoke only outside of all buildings in approved areas.
 - 3.2.1 Inmates shall not smoke inside any building, including but not limited to; housing areas, visitation areas, dining areas, kitchens and warehouses within the prison.
 - 3.2.1.1 The use of smoking materials shall result in confiscation of all smoking materials on the inmate's person and in the inmate's property as disposable contraband.
 - 3.2.2 Inmates shall dispose of used smokeless tobacco as outlined in section 1.0, 1.3.
- 3.3 Smoking and/or the possession of tobacco and all smoking-related materials is prohibited for inmates assigned to the following areas:
 - 3.3.1 Reception Centers
 - 3.3.2 Minors Units
 - 3.3.3 All Detention Units
 - 3.3.4 Special Management Unit I and Browning Unit
 - 3.3.5 Rast Max Unit
 - 3.3.6 Medical Units
 - 3.3.7 As designated by the **Assistant** Director for Prison Operations
- 3.4 Smoking is permitted when associated with religious ceremony practiced pursuant to the American Indian Religious Freedom Act of 1978 and A.R.S. §36-601.01 (B).
- 3.5 Inmate complaints may be submitted in accordance with Department Order #802, Inmate Grievance Procedure.
- 3.6 Inmates violating the provisions of this Department Order shall be subject to disciplinary action, which shall include restricting inmates who are found guilty of violations from purchasing tobacco from the inmate store. (See Department Order #803, Inmate Disciplinary Procedure.)

DEFINITIONS/GLOSSARY

Refer to the Glossary of Terms for the following:

- Enclosed Area
- Places of Employment
- Smoking
- Vaping

AUTHORITY

A.R.S. §36-601.01, Smoke-Free Arizona Act
American Indian Religious Freedom Act of 1978